

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**ALUMA SYSTEMS CONCRETE
CONSTRUCTION, LLC, a Delaware
limited liability company,**

PLAINTIFF

v.

CIVIL NO. 1:09cv683 HSO-JMR

**BEECH CONSTRUCTION, INC., a
Mississippi corporation,**

DEFENDANT

JUDGMENT BY DEFAULT

BEFORE THE COURT is a Motion for Default Judgment filed March 12, 2010 [7-1], by Plaintiff Aluma Systems Concrete Construction, L.L.C., against Defendant Beech Construction, Inc., as to liability and damages. The record reflects that Defendant was served with a copy of the Summons, together with a copy of Plaintiff's Complaint in this action, on December 11, 2009. Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendant Beech Construction, Inc., was required to respond to the Complaint within twenty (20) days of being served. Defendant has failed to plead or otherwise defend this action. On February 11, 2010, Plaintiff filed an Application to the Clerk for Entry of Default and Supporting Affidavit [5-1] pursuant to FED. R. CIV. P. 55 (a). A Clerk's Default was duly entered pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure on February 12, 2010 [6-1].

After review of Plaintiff's Motion, the pleadings on file, and the relevant legal authorities, the Court finds that because Defendant has failed to make an appearance in this case, Plaintiff's Motion for Default Judgment is well taken and

should be granted. Accordingly,

IT IS, ORDERED AND ADJUDGED that, Plaintiff Aluma Systems Concrete Construction, L.L.C., is awarded Judgment against Beech Construction, Inc., as to liability and damages on the claims set forth in the Complaint. Plaintiff Aluma Systems Concrete Construction, L.L.C., shall recover from Defendant the following:

1. Aluma Systems Concrete Construction, L.L.C., is granted a final judgment in its favor against Defendant Beech Construction, Inc., in the amount of \$110,542.86, plus attorney's fees and expenses in the amount of \$36,847.62, for a total of \$147,390.48.
2. Aluma Systems Concrete Construction, L.L.C., is further awarded pre-judgment interest, which shall accrue at the legal rate pursuant to 28 U.S.C. § 1961(a), from the date of the filing of the Complaint until the date of this Judgment. Post-judgment interest shall likewise accrue at the legal rate pursuant to 28 U.S.C. § 1961(a) and shall be computed daily and compounded annually until paid in full.
3. Aluma Systems Concrete Construction, L.L.C., is further awarded all costs of court, which are hereby taxed against Defendant.

SO ORDERED AND ADJUDGED, this the 1st day of April, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE